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Medical

**NON-MEDICAL BLOOD ALCOHOL TESTING
(BAT) (PA)**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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OPR: 8 MDSS/SGSAL
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This instruction implements AFD 44-1, *Medical Operations*. This instruction applies to all units assigned to the 8th Fighter Wing, Kunsan Air Base, Korea or those using the 8th Medical Group, as well as those medical personnel collecting or processing non-medical Blood Alcohol Tests (BAT). BAT results may be used as evidence in military and civilian judicial or administrative proceedings. If at any time a legal question occurs, the individual requesting the BAT should contact the 8th Fighter Wing, Staff Judge Advocate (8 FW/JA).

This instruction is affected by the Privacy Act of 1974. Each form that is affected by the Privacy Act contained in this instruction has a Privacy Act Statement, either incorporated in the body of the document or in a separate statement accompanying each document. Section 8013 Title 10, United States Code, and Executive Order 9397 are the authorities for collecting and maintaining the records prescribed in this instruction.

SUMMARY OF REVISIONS

Completely re-written of this instruction and revising 8 FW Form 23, *Blood Alcohol Testing Record*. A bar (|) indicates revision from the previous edition.

1. References. AFI 44-102, *Community Health Management*, and AFMC Supplement 1, AFI 51-201, *Administration of Military Justice*, AFI 31-201, *Security Police Standards and Procedures*, AFI 44-120, *Drug Abuse Testing Program*, AFI 44-121, *Alcohol and Drug Abuse Prevention and Treatment (ADAPT) Program*, and USFK 190-50, *Law Enforcement Procedures in Korea*.

2. General Policy: The act of withdrawing blood samples to determine level of intoxication is termed Blood Alcohol Testing (BAT). Since the results of examinations of biological specimens as well as the specimens themselves may be used as evidence in military and civilian judicial or administrative proceed-

ings, the Air Force Medical Service must cooperate in collecting and presenting such evidence (See AFI 44-102, paragraph 2.35.1.1.). 8 MDG personnel will cooperate in the collection and testing of blood in accordance with AFI 44-102 and with the provisions of this instruction. In every situation, the medical needs of the individual must receive primary attention. A BAT should not be drawn if the health of the individual will be endangered. If this is believed to be the case, the matter should be referred to a credentialed medical provider for determination. Military medical personnel may not take biological specimens solely at the request of and for use of civilian law enforcement authorities. (See AFI 44-102, paragraph 2.35.2.8.)

3. Responsibilities:

3.1. All Squadron Commanders provide an updated appointment letter to the Tri-care Element designating the individuals authorized to pick up BAT results from the Tri-care Element.

3.2. 8th Security Forces Squadron (8 SFS) when it is appropriate will consult and coordinate with the 8th Fighter Wing, Staff Judge Advocate (8 FW/JA) prior to escorting individuals (active duty military, DOD civilians, and dependents) for blood alcohol testing. For those individuals who do not consent to the blood alcohol testing, the 8 FW/JA must be contacted. An AF Form 1176, *Authority to Search and Seize*, must be completed before blood samples can be collected.

3.3. The Laboratory Technician responds to BAT requests and can be reached via beeper by calling Urgent Care Clinic during non-duty hours or by telephone at 782-4090/4507 from 0800-1700, Monday through Friday. The Laboratory Technician will complete Section III, 8 FW Form 23, *Blood Alcohol Testing Record*.

3.4. The Laboratory Technician ensures that BAT samples and 8 FW Form 23 are placed in the lock box until the specimen can be processed or prepared for shipment by a laboratory technician on the next duty day.

4. Withdrawal of Blood from Military Patients:

4.1. The following procedures will be used only on active duty military patients. (**NOTE:** Unlike the urinalysis program, command directed blood testing is NOT authorized.) Although a commander/first sergeant may ask a member to submit to voluntary legal BAT (See paragraph 4.1.1. below), if the member refuses the only recourse is to request search authorization approval (See paragraph 4.1.2. below).

4.1.1. Voluntary: When requested for a judicial or administrative purpose, and if the member is competent, law enforcement personnel, commander or first sergeant will usually ask the member to consent. It is not a requirement to advise military subjects of their rights under Article 31, UCMJ, before requesting consent to withdrawal of blood for legal BATs. However, the act of requesting the member to consent to a blood alcohol test is a function of law enforcement or command and should be done only by these personnel. If the subject freely and voluntarily gives his/her consent, and if there is no reason to believe that withdrawal of blood will endanger the subject's health, then blood may be withdrawn by a laboratory technician in the laboratory.

4.1.2. Involuntary:

4.1.2.1. Search authorization:

4.1.2.1.1. If medical personnel are presented with a search authorization for an active duty

person, blood may be obtained from the military member without the member's consent. The installation commander may issue such an authorization or the military magistrate based on a finding of probable cause.

4.1.2.1.2. If written authorization, AF Form 1176, is not immediately available; an oral search authorization can be accepted. Written authorization should be accomplished and added to other documentation within the next duty day.

4.1.3. No Consent and No Search Authorization: Medical personnel may take blood without the donor's consent and without a search warrant authorization when there is clear indication that evidence of a crime will be found and authorities have reason to believe that the delay would result in the destruction of evidence (See AFI 44-102, paragraph 2.35.2.4.). In such an instance, prior to the extraction of blood, contact should be made with the Chief of Military Justice during duty hours at 782-4283. After normal duty hours personnel shall contact the 8 FW Command Post to contact on-call Judge Advocate General (See paragraph 7., infra).

4.1.4. Procedure for Involuntary Blood Extraction for Active Duty Members:

4.1.4.1. Extraction of the blood will occur in the Urgent Care Clinic or the laboratory by the lab tech on duty/call.

4.1.4.2. At all times, the 8 SFS are responsible for restraining the subject without direct help by medical personnel. The 8 SFS personnel must have adequate 8 SFS personnel present to restrain the member. Upon request and when necessary, the Urgent Care Clinic personnel will provide a gurney with appropriate restraining straps, if necessary to restrain the subject.

4.1.4.3. If necessary, 8 SFS personnel will be responsible for maintaining adequate exposure of the members arm to obtain a blood sample and to insure the safety of both the individual and medical staff.

4.1.4.4. If there are insufficient 8 SFS personnel present to subdue the subject or the 8 SFS personnel cannot adequately restrain the subject, medical facility personnel will not attempt to extract blood.

4.1.4.5. Involuntary extraction of blood will be performed in a reasonable fashion by the laboratory technician.

5. Withdrawal of Blood from Non-Military Patients: A BAT for use in judicial or administrative purposes generally will not be performed on non-military personnel unless law enforcement personnel have obtained the patient's consent. However, blood may be extracted for medical purposes, as described in paragraph 6., infra.

6. Blood Extraction for Medical Purposes: If a provider determines that a blood alcohol test is necessary for medical treatment, and then a medical BAT may be performed. No search authorization or consent obtained by law enforcement personnel is required. Proceed according to established medical protocols.

7. Contact Chief of Military Justice or On-Call JAG If Problems or Questions Arise: If problems or questions arise during duty hours, medical or 8 SFS personnel shall contact the Chief of Military Justice, 8 FW/JA, at 782-4283. If problems or questions arise during non-duty hours, medical or 8 SFS per-

sonnel shall contact the 8th Fighter Wing, Command Post (8 FW/CP) at 782-6000 to contact the on-call Chief of Military Justice.

8. Procedures.

8.1. 8 SFS personnel escort all individuals for non-medical BAT determination to the Urgent Care Clinic at Building 405 to provide blood samples for BAT. It is essential to draw the BAT sample as soon as feasible to minimize metabolic reduction of blood alcohol content. The individual being tested and the escorting official will report the Urgent Care Clinic (UCC) and inform the UCC personnel a legal BAT needs to be accomplished. The UCC personnel will contact the laboratory during normal duty hours or the lab tech on call during non-duty hours to come to the UCC to obtain the sample.

8.2. A 8 FW Form 23 must be utilized for all legal BATs.

8.3. The 8 FW Form 23 initiates a chain of custody document. There should not be any changes on this form. However, if a change must be made cross it through with one line and initial and date the correction. If the error is too large, re-accomplish the form completely.

8.4. The escorting personnel will follow the instructions of the laboratory personnel in accomplishing the 8 FW Form 23.

8.5. The 8th Medical Group Laboratory will perform a plasma BAT on one of the samples drawn from the patient. If the plasma BAT is equal to or greater than the base legal limit of intoxication (0.1gm%) by 15% (0.85gm%) the second sample will be shipped to the 51st Medical Group Laboratory Osan AB, Korea for whole blood BAT testing.

9. Reports and Release of Results:

9.1. Test values are reported in Part V of the 8 FW Form 23. A reportable value is defined as any specimen containing a concentration greater than the test detection threshold (0.01gm%). Legal intoxication on Kunsan AB is a blood alcohol content of 0.10gm% (100gm/dl).

Print Specifications: 5 ½ x 8 ½

9.2. The completed 8 FW Form 23 will be distributed as follows: The original will be hand-carried to the Tri-Care office and given to the Tri-Care technician on duty; a second copy will be on filed by the Kunsan Laboratory and kept for two years.

9.3. The Privacy Act governs the release of a legal blood alcohol test result. The 8th Medical Group's Tri-care Office may provide a copy of results during normal duty hours to 8 SFS, 8 FW/JA or to the member's Commander/First Sergeant (or commander designee). A commander designee must be named in writing within a letter on file in the medical records release office. The member will normally obtain result from his/her Commander or First Sergeant. For all other requests for release, consult with the Chief of Military Justice. No results will ever be released over the telephone.

9.4. Tri-care personnel will contact the 8 SFS Desk Sergeant at 782-4944 and the member's commander when the test result is available to arrange for the result to be picked up. Under no circumstances will results be given over the telephone.

9.5. The member's Commander, First Sergeant, AFOSI agents, 8 FW/JA, and the appropriate 8 SFS representative are authorized recipients of BAT results. Only-care personnel are authorized to release BAT results.

9.6. Interpretation of BAT results from 8th or 51st Medical Group are reported as grams per deciliter (g/dL) of alcohol present in the individual's blood, is as follows:

<u>Result in g/dL</u>	<u>Interpretation</u>
Less than 0.01	Negative, below detectable limits
0.01 – 0.04	Possibly under influence of alcohol
0.05 – 0.09	Under influence of alcohol
0.10 or greater	Legally intoxicated

10. Form Prescribed: 8 FW Form 23, *Blood Alcohol Testing Record*.

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Commander